

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 419

HOUSE BILL NO. 1348

By Representatives Kelsey, Watson, Dennis, Hardaway

Substituted for: Senate Bill No. 927

By Senator Stanley

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 7, Part 3, relative to mental health evaluations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-7-301(a)(4), is amended by inserting the following language after the first sentence:

In a post-conviction proceeding in a capital case, if there is a question on the defendant's mental condition at the time of the commission of the crime when there has been no such prior evaluation, or a question as to whether the defendant is mentally retarded, the court may, upon its own motion, or upon petition by the district attorney general or by the attorney for the defendant, and, if the matter is contested, after a hearing, order that the defendant be evaluated on an outpatient basis. If and only if the outpatient evaluator concludes that an inpatient evaluation is necessary, the court may order the defendant to be hospitalized for not more than thirty (30) days.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: June 2, 2009



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 11th day of June 2009



PHIL BREDESEN, GOVERNOR